

Working To Address Poverty



In Puerto Rico

by Teresa Zarcone-Pérez

Every year more than four million tourists visit the U.S. Commonwealth of Puerto Rico, a Caribbean destination known as the Island of Enchantment. There, visitors are captivated by the island's rainbow of pastel architectural gems in the capital city of Old San Juan and its majestic coastline of white sand-lined beaches along the historic fortress at El Morro.

Yet amidst the vibrant colored picture of the island's most marketable attributes is a darker reality. Traveling inland into the modest communities where most natives reside reveals a more sobering picture: that of a people struggling with the day-to-day problems of poverty. Despite the rambunctious demeanor of a citizenry always ready for a festival (there are more than 500 a year here), life on the island is no tropical paradise for many of Puerto Rico's 3.8 million inhabitants. Forty-five percent, or roughly 1.8 million people, live at or below the poverty line. The unemployment rate, which has not dipped below double digits in this millennium, currently hovers above 11 percent. By some estimates, as many as 100,000 Puerto Ricans are homeless, living on the streets and in the island's cramped shelters. The drastic change in scenery can be an eye-opener for tourists and the small, elite circle of island residents with the disposable income to buy expensive cars, high-end second homes, and water toys.

Puerto Rico has been a U.S. Commonwealth since 1952, meaning matters of currency, defense, external relations, and interstate commerce are within the jurisdiction of the U.S. federal government. The U.S. Constitution and most laws passed by Congress govern the people of Puerto Rico, although residents here do not pay federal income taxes and do not vote for President. The Commonwealth maintains fiscal autonomy and its people instead pay local commonwealth taxes.

Puerto Rico, situated 1,000 miles south-east of Miami, is roughly three times the size of Rhode Island. The Commonwealth's government is divided into three distinct branches: an executive led by the Governor, a bicameral Legislative Assembly, and an independent judiciary where the people of Puerto Rico seek solutions to the problems that poverty brings.

The two federally funded legal aid programs serving the poor, Legal Services of Puerto Rico and the Community Law Office, serve as the last and sometimes only voice for locals who face pressing legal problems. Every legal aid lawyer on



ABOVE: Shielding kids from homelessness is a key objective of Legal Services of Puerto Rico. **BELOW:** Despite a high poverty rate, island residents are known for their festive spirit. **OPPOSITE:** Ensuring educational opportunities for kids, especially those with special needs, is another programmatic focus.



the island must, by necessity, be bilingual since the business of the state courts is conducted in Spanish and the federal courts conduct their proceedings in English. The advocates maintain a frenetic pace, closing more than 58,000 cases last year alone. (See *Chart, p. 23.*)

On April 29-30, for the first time in the 30-year history of the congressionally chartered Legal Services Corporation, LSC's Presidentially appointed Board of Directors will hold a meeting on the island. Once there, the federal leaders will see firsthand the work of LSC's largest and busiest grantee, Legal Services of Puerto Rico. The program



Legal Services of Puerto Rico educates and dispenses free legal advice during a weekly radio program on the Radio Tiempo station (1430 AM) and takes inquiries through its Telelawyer phone service, which accepts calls from the public daily from 8 a.m. to 4 p.m.

"We attend to between 60,000 and 70,000 cases and matters per year," says executive director Luis Maldonado, an advocate with Legal Services of Puerto Rico since 1977. "This includes visits and calls for consultation and orientations about legal rights..."

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received nearly \$16 million in federal funding this year to provide legal representation and counseling to low-income residents facing a range of serious problems.

Nine attorneys are based in the central office in San Juan, while some 131 advocates staff the program's regional offices, where they work closely with a network of 3,050 private lawyers who accept pro bono referrals. In addition,

people ask many questions even though they may not have a case go to court."

The Board members also will visit the island's smaller federally funded program, the Community Law Office of Puerto Rico, housed at InterAmerican University School of Law in Hato Rey. Established in 1981, the office caters to the legal needs of San Juan's low-income population

while simultaneously serving a critical academic function for third-year law students. Approximately 60 students per semester participate in the law school education program. It has nine clinical modules, including domestic violence, civil rights, mediation, and environmental law.

"What is great about our office is that we can refer cases to clinical professors who represent clients with the law students in the program, which allows them to gain hands-on access to these cases," says Juan Correa-Luna, executive director of the Community Law Office. "Even though we are a small program, the services we provide are critical in accomplishing the mission of the Legal Services Corporation—equal access to the judicial system for poor people here."

The priorities of legal aid providers in Puerto Rico are similar to those of their U.S. mainland counterparts: family law cases dealing with child custody, domestic violence and divorce; housing cases to retain or improve conditions in private and public housing; and elder law cases that focus on the unique legal needs of seniors.

They specialize in helping families in crisis. Stephanie was in her early 20s when she vowed to care for husband Anthony in sickness and in health. Sickness soon came, and when Anthony succumbed to skin cancer, Stephanie was left as the sole provider for the couple's six children, all 10 and under. Before Anthony's passing, the couple had been living comfortably enough, depending on Anthony's hard-earned \$30,000 salary as a fisherman. After moving from New Jersey to Puerto Rico in 1996, they bought a house in Carolina on the outskirts of the San Juan metropolitan area, where Stephanie was a stay-at-home mom for a family that never had cause to seek government assistance.

All that changed after doctors discovered Anthony's melanoma lump during a hospital visit following a fishing-boat accident in 2000. Two years later he was gone, leaving Stephanie as a single mother on the verge of losing the family home. "I was not working and the mortgage payments were falling behind because of having to pay for medical services," she recalls, noting that it was especially difficult to make visits to government agencies to seek assistance because of her limited Spanish-speaking skills. Stephanie was collecting \$460 a month in food stamps and \$640 in survivor benefits

to delay foreclosing on the property, giving Stephanie time to prepare herself for the workforce. She completed a class and is currently enrolled in an intensive nursing program at InterAmerican University in Río Piedras.

"It's still difficult and the kids are demanding at times, but I pray for strength," says the 34-year-old widow. "Now I'm going along with the current, and I'm trying to keep my family afloat. I was a strong person before this whole situation, but I became even stronger afterward because I had no choice but to make sure my kids would always have a home." Arlene Vélez, a private attorney who has been taking cases from legal services for seven years, says, "I was glad to be able to help Stephanie. She is an amazing woman and mother of such educated and well-behaved children."

AIDING THE YOUNG AND OLD

Antonio and Carmen Maria are two seniors grateful to have received representation through Legal Services of Puerto Rico. For years, the couple made frequent visits to the community health center in Corozal—a municipality in the island's north central region—for medication and treatments for diabetes and high blood pressure. In Puerto Rico, there are more than one and a half million beneficiaries of health reform coverage for the medically indigent, which is paid for predominately through commonwealth and municipal government funds. In the late 1990s, Antonio was in his early 70s and Carmen Maria in her late 50s when they received an inexplicable letter from the local health department for non-authorized expenditures. The letter accused them of defrauding the system and fined them \$5,000.

Migdalia, one of the couple's six children, paid a visit to the legal services office in Corozal. "I was able to present evidence of the dated documents and fees from when my parents were treated at the health center," she recalls. The bills did show an outstanding debt for health services—in the amount of \$50, not \$5,000. Legal Services of Puerto Rico accepted and won the case, and both were reinstated as health reform beneficiaries. Thanks to legal aid, the couple was spared from becoming a statistic; an estimated 400,000 island inhabitants have no health insurance.

Legal aid here helps the young and old. Since 1993, one of Legal Services of Puerto Rico's signature programs has been its spe-



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cial education advocacy for kids. "It attends to the needs of an important sector of our population: children up to 22 years old," says Josi Pantoja, a 30-year legal services veteran who spearheads the project, conducts informational seminars across the island, and works closely with the Special Education Office in Río Piedras. "We're doing important work to improve the quality of life for this sec-

tor. If parents and guardians know their rights, then they will be more proactive in defending their kids for what they are entitled to."

Many of the special education cases deal with problems of finding adequate placement for children with learning disabilities and other special needs. Legal services lawyers help children who need to be placed in appropriate settings and who require trained specialists with specific skill sets. Clients include kids with autism, attention deficit disorder, cognitive impairment, and various other conditions.

Legal services lawyers were successful in helping Linda, a 13-year-old with cerebral palsy. Because of the physical limitations resulting from her disease, Linda needed help getting around school. Advocates were enlisted and sought a special assistant to help her get from class to class. Among the candidates qualified to help her was Linda's older sister. For the legal aid providers, success in this case was a victory on both the special education and employment fronts.

Sometimes, though, finding adequate placement for kids with special needs is a bit more daunting. Such was the case for Adolfo, an autistic boy whose condition left him without schooling for a year. When Adolfo's mother, Mabel, tried to enroll Adolfo in a school in Puerto Rico, she was told there was no appropriate learning institution with a slot open for him. Legal services intervened and

found him placement at a facility in Florida. In December 2003, Adolfo was enrolled in the Sunrise Community Group, a nonprofit organization in Florida that provides education, housing, and job training for persons with special needs. The Puerto Rico Departments of Health, Education, and Family, along with the Mental Health Services Administration, came up with the funds to cover the expenses for Adolfo for a year. Legal services lawyers are in the process of requesting a one-year extension.

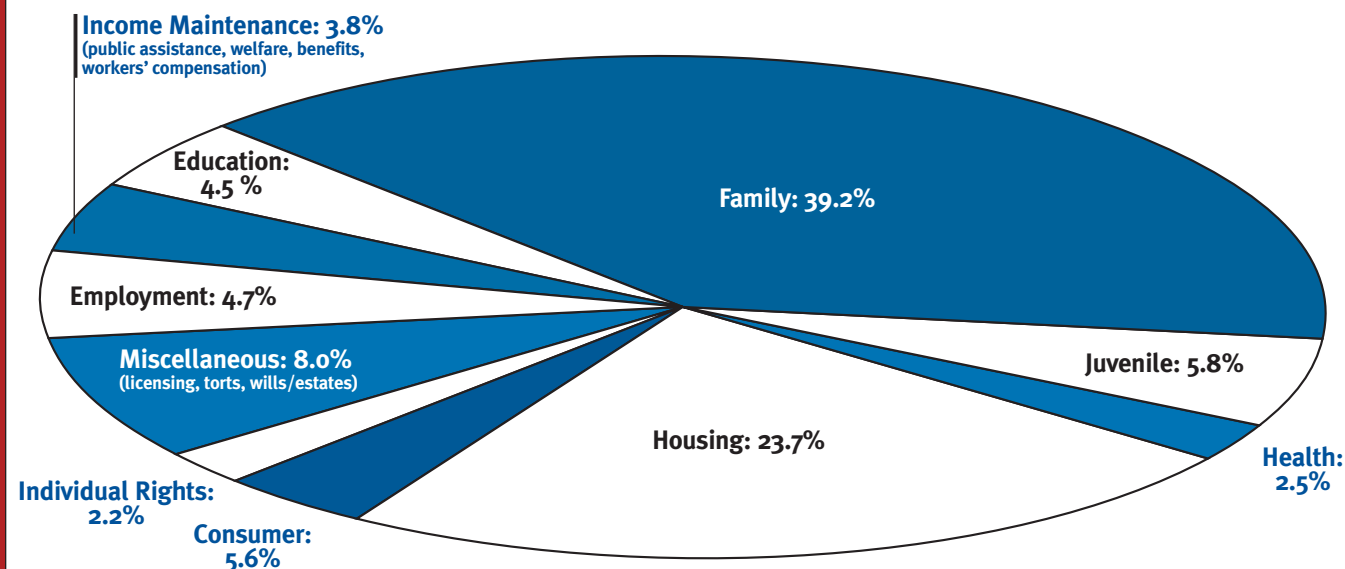
The LSC Board will learn more about the success stories of Puerto Rico's legal services providers later this month when they gather in San Juan. The Directors will tour offices of both federally funded programs and see first-hand what the people of Puerto Rico long ago discovered for themselves: Legal services lawyers are a critical conduit to a better life for the impoverished people of this proud Commonwealth.

"I believe that LSC's decision to celebrate a board meeting in Puerto Rico for the first time in 30 years is a great recognition of the work that we have been doing here for so many years," Maldonado says. "I look forward to having them visit our offices and see face to face the work that we do." ■

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Puerto Rico / Annual Caseload*

Total Cases: 58,029



*SOURCE: 2004 LSC Grant Activity Reports, Legal Services of Puerto Rico and Community Law Office

NOTE: In 2004, LSC's Puerto Rico grantees handled an additional 10,592 "matters," which includes assistance rendered through *pro se* clinics, community legal education seminars, pamphlets and brochures, web-based media, and other sources.